



Order Filed on September 6, 2022  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

**FOX ROTHSCHILD LLP**

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*Proposed Counsel to the Debtor  
and Debtor in Possession*

In Re:

ASSUNCAO BROS., INC.,

Debtor.

Chapter 11 (Subchapter V)

Case No. 22-16159-CMG

Judge: Hon. Christine M. Gravelle

**ORDER AUTHORIZING DEBTOR'S REJECTION OF CERTAIN EXECUTORY  
CONTRACTS AND UNEXPIRED LEASES EFFECTIVE AS OF THE PETITION DATE**

The relief set forth on the following pages, numbered two (2) through Three (3), is  
hereby **ORDERED**.

**DATED: September 6, 2022**

  
\_\_\_\_\_  
Honorable Christine M. Gravelle  
United States Bankruptcy Judge

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DEBTOR: Assuncao Bros., Inc.

CASE NO: 22-16159-CMG

CAPTION: Order Authorizing Debtor's Rejection of Certain Executory Contracts and  
Unexpired Leases Effective as of the Petition Date

Upon the motion (the "Motion")<sup>1</sup> of Assuncao Bros., Inc. (the "Debtor"), the debtor and debtor-in-possession in the above-captioned chapter 11, subchapter v case (the "Subchapter V Case"), by and through its proposed attorneys, Fox Rothschild LLP, for entry of an order pursuant to 11 U.S.C. §§ 105 and 365 and Fed. R. Bankr. P. 6004 and 6006 authorizing the Debtor to reject certain executory contracts and unexpired leases effective as of the Petition Date; and the Court having jurisdiction to decide the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157(a), (b) and 1334(b); and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b) and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, dated September 18, 2012 (Simandle, C.J.); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and sufficient notice of the Motion having been provided; and the Court having considered the papers submitted, including opposition, if any, as well as the arguments presented at the hearing, if any; and the Court having found and determined that the relief sought in the Motion and granted herein is proper, lawful, necessary, appropriate, and in the best interest of the Debtor, its estate, creditors and parties-in-interest; and for good cause shown,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

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DEBTOR: Assuncao Bros., Inc.

CASE NO: 22-16159-CMG

CAPTION: Order Authorizing Debtor's Rejection of Certain Executory Contracts and  
Unexpired Leases Effective as of the Petition Date

2. The Rejected Contracts contained on Schedule 1 attached to this Order are hereby  
rejected effective as of the Petition Date (August 3, 2022).

3. Notwithstanding Bankruptcy Rule 6004(h), this Order shall be effective and  
enforceable immediately upon entry hereof.

4. Pursuant to D.N.J. LBR 9013-5(e), any party may move for modification of this  
Order.

5. This Court shall retain jurisdiction with respect to all matters arising from or related  
to the implementation or interpretation of this Order.

## **SCHEDULE 1**

| Counterparty                        | Rejected Contract/Lease Description                        | Proposed Rejection Date |
|-------------------------------------|--|-------------------------|
| Anselmi & DiCicco, Inc              | Project: NJ DOT 46   | August 3, 2022          |
| Chrysler Capital                    | Equipment Lease: 2019 Jeep Grand Cherokee                  | August 3, 2022          |
| Earle Asphalt Inc.                  | Project: Improvements To Halls Mills Road                  | August 3, 2022          |
| Essex County, New Jersey            | Project: 9 Intersections Various                           | August 3, 2022          |
| Essex County, New Jersey            | Project: 9 Intersections Park Avenue                       | August 3, 2022          |
| Hudson County, New Jersey           | Project: JFK Boulevard Improvements                        | August 3, 2022          |
| Hunterdon County, New Jersey        | Project: Route 616 - Resurfacing And Drainage              | August 3, 2022          |
| Komatsu Financial                   | Equipment Lease: D39 PX-24 Dozer                           | August 3, 2022          |
| Middlesex County, New Jersey        | Project: Forsegate & Rossmore                              | August 3, 2022          |
| Monmouth County, New Jersey         | Project: U-15 Bridge Replacement                           | August 3, 2022          |
| Monroe Township, New Jersey         | Project: Matchaponix                                       | August 3, 2022          |
| Morristown Township, New Jersey     | Project: AB-18-0315 Washington St.                         | August 3, 2022          |
| Ocean County, New Jersey            | Project: Traffic Signal at Prospect st & Massachusetts Ave | August 3, 2022          |
| Passaic County, New Jersey          | Project: Kingland Road Bridge                              | August 3, 2022          |
| Piscataway Township, New Jersey     | Project: Drake Lane Improvements                           | August 3, 2022          |
| Somerset County P.W.                | Project: Meeker Road                                       | August 3, 2022          |
| Somerset County P.W.                | Project: SC-17-0717 Pedestrian Safety                      | August 3, 2022          |
| Township of Raritan, New Jersey     | Project: Sunny Hills Section II                            | August 3, 2022          |
| Wells Fargo Equipment Finance       | Equipment Lease: DynaPac Roller                            | August 3, 2022          |
| Z Brothers Concrete Contractors,INC | Project: Livingston Avenue                                 | August 3, 2022          |

In re:  
Assuncao Bros., Inc.  
Debtor

Case No. 22-16159-CMG  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0312-3  
Date Rcvd: Sep 06, 2022

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|------------|
|--------|------------|

|   |  |
|---|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
|---|--|

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 08, 2022:

| Recip ID | Recipient Name and Address                                    |
|----------|---|
| db       | + Assuncao Bros., Inc., 29 Wood Avenue, Edison, NJ 08820-3503 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 08, 2022

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 6, 2022 at the address(es) listed below:

| Name             | Email Address   |
|------------------|---|
| Allen J Barkin   | on behalf of Creditor Nobel Equipment & Supplies Inc. abarkin@sbmesq.com, sandyr@sbmesq.com                   |
| Curtis M Plaza   | on behalf of Creditor Manasquan Bank cplaza@riker.com sdechoyan@riker.com                                     |
| Douglas G. Leney | on behalf of Interested Party Lisa Assuncao dleney@archerlaw.com ahuber@archerlaw.com,chansen@archerlaw.com   |
| Douglas G. Leney | on behalf of Interested Party Martin Assuncao dleney@archerlaw.com ahuber@archerlaw.com,chansen@archerlaw.com |
| Edward H. O'Hare | on behalf of Creditor HEAVY AND GENERAL LABORERS' FUNDS OF NEW JERSEY eohare@zazzali-law.com                  |
| Eric R. Perkins  | on behalf of Creditor Black Rock Enterprises LLC eperkins@becker.legal  |

District/off: 0312-3

User: admin

Page 2 of 2

Date Rcvd: Sep 06, 2022

Form ID: pdf903

Total Noticed: 1

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U.S. Trustee

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TOTAL: 30